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Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

JESS TAPIA  
1517 Sampson Street  
Marysville, CA 95901

Respiratory Care Practitioner License No. 13165

Respondent.

Case No. R-2097

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

**PARTIES**

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory Care Board of California. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Catherine E. Santillan, Senior Legal Analyst.

2. Jess Tapia is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about December 3, 1989, the Respiratory Care Board of California issued Respiratory Care Practitioner License No. 13165 to Jess Tapia (Respondent). The License was in full force and effect at all times relevant to the charges brought in First Amended

1 Accusation No. R-2097 and will expire on August 31, 2009, unless renewed.

2 JURISDICTION

3 4. Accusation No. R-2097 was filed before the Respiratory Care Board  
4 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
5 Accusation and all other statutorily required documents were properly served on Respondent on  
6 August 16, 2007. First Amended Accusation No. R-2097 was properly served on Respondent on  
7 September 28, 2007. Respondent timely filed his Notice of Defense contesting the Accusation.  
8 A copy of First Amended Accusation No. R-2097 is attached as exhibit A and incorporated  
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations  
12 in First Amended Accusation No. R-2097. Respondent also has carefully read, and fully  
13 understands the effects of this Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the  
15 right to a hearing on the charges and allegations in the First Amended Accusation; the right to be  
16 represented by counsel, at his own expense; the right to confront and cross-examine the witnesses  
17 against him; the right to present evidence and to testify on his own behalf; the right to the  
18 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
19 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
20 by the California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in  
25 First Amended Accusation No. R-2097, agrees that cause exists for discipline and hereby  
26 surrenders his Respiratory Care Practitioner License No. 13165 for the Board's formal  
27 acceptance.

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9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Respiratory Care Practitioner License without further process.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Respiratory Care Board. Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory Care Board of California may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

## OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

## ORDER

IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 13165 issued to Respondent Jess Tapia is surrendered and accepted by the Respiratory Care Board.

13. The surrender of Respondent's Respiratory Care Practitioner License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a respiratory care practitioner in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both his pocket license certificate on or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in First Amended Accusation No. R-2097 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

17. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$707.00 (seven hundred seven dollars) within one year from the effective date of the Board's Decision and Order.

## ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: October 27, 2007.

Original signed by: \_\_\_\_\_  
Jess Tapia  
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: October 31, 2007

EDMUND G. BROWN JR., Attorney General  
of the State of California  
  
JOSE R. GUERRERO  
Supervising Deputy Attorney General

Original signed by:  
CATHERINE E. SANTILLAN  
Senior Legal Analyst

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

JESS TAPIA  
1517 Sampson Street  
Marysville, CA 95901

Respiratory Care Practitioner License No. 13165

Respondent.

Case No. R-2097

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the  
Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 17, 2007.

It is so ORDERED December 7, 2007.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA